

WHAT ENFORCEMENT ACTIONS WILL BE TAKEN AGAINST THE OWNER OF AN ILLEGAL LODGING HOUSE?

Illegal units and/or lodging houses are generally in violation of zoning, building and sanitary codes. ISD will issue a "Notice of Violation" for any violations of any of the aforementioned codes where certain conditions exist.

The "Notice/Order" requires the named person/s to cease from using the property in a way that violates the law or take steps to correct the illegal conditions, such as making repairs, legalizing the occupancy, or discontinuing the use. (See other side).

Parties who do not comply with the "Notice/order" may be subject to criminal action and penalties. If you are an occupant living in these illegal conditions you also may have legal rights against the person from whom you are renting. You should seek legal counsel to review your options or call Mayor Menino's Rental Housing Center at 617-635-4200 for advice.

IF YOU STILL HAVE QUESTIONS:

Call ISD Constituent Services, 617-635-5300 OR Visit the ISD Information Counter at 1010 Massachusetts Avenue, 5th Floor

ILLEGAL DWELLING UNITS AND LIVING SPACE

Remember you **cannot** convert **attic, basement, or other parts of your dwelling** into separate dwelling units for renters, even family members. You also cannot build continuous living space in those areas.

**BOTH EXAMPLES REQUIRE YOU
TO OBTAIN A BUILDING PERMIT
FIRST TO AUTHORIZIE SUCH
WORK.**

You can file for a permit to obtain the approvals for building in the basement or attic at ISD, 1010 Massachusetts Avenue, Boston, 5th Floor Counter 1.

If you build out and occupy space illegally, you may jeopardize the health and safety of the occupants and the public, and you could incur legal liability, as well as insurance policy sanctions as a result of your actions. Play it smart – get a permit!!



City of Boston

Inspectional Services Department

1010 Mass Ave.
Boston, MA 02118
Tel. (617) 635-5300



**Boston Inspectional
Services
Department**

ROOMING/LODGING HOUSE Guidelines



ROOMING/LODGING HOUSE

A rooming/lodging house is defined as:

- A dwelling or dwelling unit offering accommodations to four (4) or more *unrelated* persons (a 'family' is considered 1 person).
- Each occupant has a separate leasing agreement with the owner or "person conducting it", and each occupant can be evicted individually without affecting the other occupants.
- Each occupant **DOES NOT** have access to the **ENTIRE** dwelling unit (e.g. access limited to the occupant's bedroom, common areas such as kitchen & bathroom).
- An owner OR an occupant can be the "person conducting it" (e.g. renting portions of their dwelling unit to 4 separate unrelated individuals).

ROOMMATES ARE NOT ILLEGAL

4 or more unrelated occupants living together, as a single housekeeping unit **IS NOT** considered a lodging house. However, minimum space & use requirements must be met.

MINIMUM SPACE REQUIREMENTS

Habitable/living space = 150 sq. ft for the 1st person + 100 sq ft. for each additional person (for 3 occupants you need 350 sq ft.).
Sleeping Space = 70 sq. ft. for 1st person and 50 sq ft. per person for more than 1 person in a bedroom (e.g. for 2 occupants in one bedroom you need 100 sq. ft.)

Dwellings that meet the lodging house criteria must have a use & occupancy permit for a lodging house on file with Inspectional Services (ISD).

If a dwelling meets the definition of a lodging house and the property **DOES NOT** have the legal occupancy of a lodging house, there are 2 options:

- A) Obtain a permit to "legalize" the lodging house use; or
- B) Discontinue the illegal lodging house use.

HOW DO I LEGALIZE THE USE?

Legalizing the use of the property means applying for a permit to change the legal use of the property so that it conforms to the actual or desired use of the property.

For example, changing from a 3 family use to a lodging house would require obtaining a "Change of Use" permit and performing any work needed to bring the building into compliance with the code requirements for a lodging house.

If successful, you would then need to obtain, prior to occupancy, a Certificate of Occupancy from ISD, and a Lodging House license from the Boston Licensing Board.

HOW DO I DISCONTINUE THE USE?

Cease from using the property as a lodging house and use the property in a manner consistent with its legal occupancy. For example, using a 3 family as a 3 family with 1 family or Single Housekeeping Unit in each dwelling unit **or** less than 4 separate occupants/lodgers in each unit. Remember, if you need to reduce the number of

occupants to below "4" per unit, you must remember occupants have rights under the law, for general information on this issue contact Mayor Menino's Rental Housing Resource Center at 617-635-4200.

You must also deconstruct any structures put up to facilitate separate living spaces.

If I decide to "legalize the use," what information is required to change the occupancy?

- "Long form" application to change the occupancy;
- **Two** sets of stamped plans by a licensed architect or contractor showing the layout of the property
- Contractor's license number
- "Plot plan" from a land surveyor
- The fee to change the occupancy is \$50, PLUS \$10 for every \$1000 of construction work to be done. An Occupancy Certificate issues after the permit is closed out.

Submit all of the above information at ISD, 1010 Mass. Ave, and 5th floor, "Counter One."

What are the dangers of an "illegal" lodging house:

- Improper egress, smoke detection systems, and electrical, ventilation or plumbing systems.
- Structural problems.

CAN I INSTALL LOCKS ON BEDROOM DOORS?

No, all means of exit must be accessible without the use of a key; units may have a lock provided so long as it can *be operated/ unlocked from the inside without a key*.